

REMARKS

Claims 1-5 are pending in the application. These claims were rejected as follows:

Claims / Section	35 U.S.C. Sec.	References / Notes
1-3, 5	§102(e) Anticipation	<ul style="list-style-type: none">• Timm, et al. (U.S. Patent No. 6,055,268).
4	§103(a) Obviousness	<ul style="list-style-type: none">• Timm, et al. (U.S. Patent No. 6,055,268); and• Saito, Dynamic Resource Allocation in ATM Networks.

- 5 Applicant has amended claim 1 and provides the following discussion for distinguishing the claims, as amended, from the art cited against it.

35 U.S.C. §102(e), CLAIMS 1-3, 5 ANTICIPATION BY TIMM

1. *Timm fails to teach the element of claim 1, as amended, in that the dynamic reconfiguration of an xDSL link in that a preferred direction selected can be*
10 *changed.*

Applicant has amended claim 1 to provide that the dynamic reconfiguration occurs such that a preferred direction selected can be changed.

- In the OA, on p. 3, and again on p. 4, the Examiner, in responding to Applicant's argument, states that the features upon which applicant relies (the
15 preferred direction selected can be changed) are not recited in the claims.

Since a reconfiguration in that a preferred direction selected can be changed was envisioned by the Specification, Applicant has now expressly added this limitation to independent claim 1 in the application.

Applicant respectfully notes that Timm does not teach or suggest an xDSL link that can be dynamically reconfigured in that a preferred direction selected can be changed.

For this reason, Applicant asserts that the amended claim language clearly distinguishes over the prior art, and respectfully request that the Examiner withdraw the §102 rejection from the present application.

10 **35 U.S.C. §103(a), CLAIM 4 OBVIOUSNESS IN VIEW OF TIMM AND SAITO**

2. *Applicant relies on the above arguments and asserts that Saito similarly fails to teach the dynamic reconfiguration of an xDSL link in that a preferred direction selected can be changed .*


Applicant relies on the discussion above and notes that the Examiner cites Saito as disclosing the feature of the RM cells of ABR traffic providing the control data, a feature of the dependent claim. Saito fails to teach or suggest the dynamic reconfiguration of an xDSL link in that a preferred direction selected can be changed according to amended claim 1 from which claim 4 depends.

For this reason, Applicant respectfully requests that the Examiner withdraw the §103 rejection from the present application.

CONCLUSION

Inasmuch as each of the objections have been overcome by the amendments, and all of the Examiner's suggestions and requirements have been satisfied, it is respectfully requested that the present application be reconsidered, the rejections be withdrawn and that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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